

1 potential for any defense at trial.

2 Furthermore, in looking at the inmate's

3 statement, although, he did not speak about the

4 crime today, it was during the 2004 hearing,

5 where he first admitted to the Board, that he

6 did intend on killing Mr. Mabry on that day. In

7 all of the prior statements, the 2003 Board

8 Report, he states, I just wanted to hurt him.

9 In 1998, he states, I could not kill this man, I

10 only wanted to hurt him, I only wanted to kick

11 his ass. Yet all of a sudden, in 2004, he's

12 changed his tune and now finally admits, I did

13 want to kill him, I did intend to do that. Of

14 more concern to the people of Orange County, is

15 the fact that his 115s have all come recently,

16 over the last four years. And what is of

17 particular note, is all of his 115s and

18 reductions to administrative notices to him,

19 have to do with his work behavior, refusal to

20 serve food, refusal to follow orders, which is

21 of concern because this was a work-related

22 attempted homicide, in this case. And if the

23 inmate is basing the stressing of work, within a

24 control environment, such as the prison

25 facility, what will he do once he's on the

26 outside and he does not have that stable source

27 of bed, food, shelter, as provided to him by the

1 state. It's clear that over the last three or
2 four years, he has had problems with his work
3 functions. Of also note, is the fact that the
4 basically lied today, when we first asked him
5 the question, as far as any sort of membership
6 in a white pride organization, Arian brotherhood
7 type organization. Yet when asked about his
8 tattoos, he does admit having white pride
9 tattoos and it's somewhat a slap in our face
10 when he states, well, it has nothing to do with
11 any sort of white power groups, it's just simply
12 expressing, I'm proud to be a white person. All
13 of us know, that you do not receive white pride
14 tattoos just because you're proud to be a
15 Caucasian in this society. And when you look at
16 those tattoos in reference to his 2004
17 discipline, where he admitted that he followed
18 the advice of other white individuals, that were
19 shot callers, that shows a continuing membership
20 in a white, Arian type gang organization, here
21 in prison. Ah, the other main area of concern
22 for the people, is in the area of anger
23 management and although he's on the wait list
24 for a few good programs, one must wonder why
25 hasn't he undertaken to read books on anger
26 management on his own. I have seen other
27 inmates at lifer hearings, come in, with a whole

1 litany of book reports and dealing with
2 subjects, such as, anger management type issues.
3 I commend him for all of the NA and AA work he's
4 done, but I believe further progress must be
5 done in the areas of anger management as well.
6 And for all those reasons, the people of Orange
7 County, request that his parole be denied.

8 **PRESIDING COMMISSIONER BRYSON:** Thank
9 you. All right, I'd like to invite Counsel to
10 make a closing statement.

11 **ATTORNEY HALL:** Thank you. We believe
12 that a, first place, this Panel should start in
13 assessing ah, Mr. Patterson's suitability for
14 parole, should be -- is the insight ah, that
15 he's developed over the years. Ah, the extent
16 to which he has learned that he has gained
17 sobriety, that he has learned how to stay clean
18 and sober, his history of remaining clean and
19 sober because, in fact, his drug addiction, drug
20 usage, really presaged this crime. Here we have
21 a -- a person who grew up in a fairly stable
22 family, being supported by his mother, living
23 with his siblings, attending and graduating high
24 school. Here's a young person, started out
25 working, purchasing a home at the age of 23, you
26 have a person who is on the course of striving
27 to become better and doing better. And in fact,

1 was succeeding, but for the affliction that,
2 unfortunately, affects too many of us, not to
3 many of us, but to many of our young people,
4 which is drug addiction. And this is where ah,
5 ah, my client stumbled. Mr. Patterson stumbled
6 in seeking the illusory, good-feeling, or
7 whatever it is, that drugs do for people. What
8 he has done, however, since this crime, which he
9 takes full responsibility for, this man has
10 never said, I never did it. He's never
11 attempted to ah, shun responsibility. The fact
12 that ah, when he's going through the trial of
13 this case, he talks about defense and when ah,
14 ah, defense strategy -- with his attorney, and
15 all of that -- the fact is that we're not here
16 to retry the case, ah, he was convicted of First
17 Degree Attempted murder. That's a given, that
18 is the record. We cannot go back and change it,
19 nor should we attempt to retry this case. Ah,
20 what we should look at is, what has he done
21 since then. Is he the same person? If we put
22 him back on the street, is he going to go and
23 stalk Mr. Mabry and try to harm him? And in
24 fact, all the evidence shows that that will not
25 be the case. All the evidence shows is that
26 this is a person who has come to understand, the
27 nature of drug addiction, the nature of drug

1 usage and how that relates and impacts his
2 condition, and he has learned that. We look at
3 the -- the psychological report by Dr. Portnoff.
4 Well, the doctor points out that Mr. Patterson
5 in the 16 years since the offense, there is no
6 evidence ah, that he has continued to abuse
7 illicit substances, and has shown an awareness
8 of addiction to them, and the deleterious
9 consequences of that addiction. Based upon his
10 lack of prior aggressive offenses and lack of
11 subsequent aggressive behavior, it seems clear
12 that the commitment offense was not a product of
13 an habitually, aggressive, criminally, oriented
14 individual, but rather an aberration secondary
15 to substance abuse and substance induced mental
16 disorder. Therefore, taking together with
17 clinical data, this suggests that his violence
18 potential at the current time, if paroled to the
19 community would be estimated to be low in
20 comparison with the average inmate assuming
21 continued abstinence from alcohol and illicit
22 substances. Mr. Patterson has presented to this
23 Panel, his clear plan to get into a treatment
24 program through the U-Turn for Christ. Here he
25 has ah, ah, supported environment, a supported
26 community, a community that will address him,
27 continue to address his substance abuse. He

1 understands the need for continued substance
2 abuse prevention, care and counseling and he
3 will continue to do it. On top of that, he has
4 the support of his family and other community
5 people there, to help him to go. He has clear
6 insight, as Dr. Portnoff points out, so he
7 understands what he needs to do. In prison,
8 this Panel knows quite well, that there are
9 certain things that are not like outside in the
10 free community. There are certain constraints
11 ah, certainly ah, inmates have to be careful ah,
12 in -- in -- in trying to preserve their
13 security. Ah, in Mr. Patterson's case, that
14 work stoppage ah, that 115 that he got, there
15 was a clear concern for his personal security
16 that he would not go and serve the trays as the
17 group decided. Now, we can sit and look at it,
18 and say, he should have followed the rules. I
19 think it -- it's -- it's an inadequate
20 comparison to talk about work in the outside
21 community versus work in here. In here, there
22 are people who violate the rules, obtain weapons
23 or if no weapons, use their face or feet or
24 boot, whatever is available to them, to cause
25 harm to other inmates, if they violate the code.
26 And Mr. Patterson did not form any kind of group
27 or -- or agree with any conspiracy to harm

1 another person. What he did was, in trying to
2 preserve, his own security, he did not do the
3 work, he did not provide the -- the work on the
4 trays, as essentially, the group decided to do.
5 This Panel knows that and I would be foolhardy
6 for Mr. Patterson to have crossed that line.
7 And I think this Panel understands that. What
8 Mr. Patterson has done, however, is to do the
9 best he can with his own programming, ah, he
10 understands that he has an anger management
11 problem. And in talking about the lack of anger
12 management classes, as the Deputy District
13 Attorney tries to point, I think that's in --
14 it's -- it's inaccurate, to the extent that if
15 you look at Mr. Patterson's record, you see,
16 just since the last hearing, he has taken the
17 anger management course offered by Dr. Thomas
18 Gordon, he has done, Advance Anger Management
19 group by Dr. Roscroft, he has done Alternative
20 to Violence and not to mention AA and other
21 programs. So indeed, he has continued to work
22 on his anger management problems. Ah, and
23 certainly, I think that person sitting before
24 you today, I don't think can properly or
25 accurately characterized as a person who
26 continues to have an anger management problem.
27 Here's a person who has not violate the rules by

1 any act of aggression, either as a minor, ah,
2 apart from the commitment offense, he has had no
3 history of violence or aggression against anyone
4 and has ah, throughout the institution, as far
5 as my record shows, he has not committed a 115
6 involving any violence, any drug or alcohol
7 usage, or possession or use of any weapons.
8 Again, here's a person who clearly has learned
9 that he causes a grievous harm to Mr. Mabry and
10 is bent on not ever repeating that. Finally,
11 with respect to Mr. Patterson's parole plans, as
12 I mentioned before, and this Panel has seen, he
13 has ah, solid plans, in the sense that he has U-
14 Turn for Christ, he has ah, ah, marketable
15 skills, ah, this is a person who's ready ah, to
16 be paroled at this time. We believe that when
17 this Panel sits to deliberate, to determine
18 whether or not Mr. Patterson would pose an
19 unreasonable risk of harm to the community, if
20 he were to be released, the conclusion has to be
21 that he would not pose an unreasonable risk of
22 harm. The only indication that there may be any
23 -- any risk of harm, would be if this Panel
24 looks solely at the commitment offense. We --
25 we contend that that by itself should not
26 suffice. At the time that Mr. Patterson was
27 sentenced, the Court struck the ah, the

1 enhancement for the weapon, stating ah, in the
2 minute order, the Court cannot find ah, pattern
3 of violent conduct and victim was not
4 particularly vulnerable. That was what the
5 Court wrote in the minute order at the time of
6 sentencing. We believe, Commissioners, that Mr.
7 Patterson has demonstrated that he is -- made
8 the best use of his time, here at the
9 institution, that he is ah, he has expressed
10 genuine and deep felt remorse for having
11 committing this crime, that he has demonstrated
12 that he can be out in the community and be a
13 contributing citizen, that no one would be at
14 risk in anyway, shape or form, that he's
15 committed to sobriety. We believe that he has
16 many tools ready to work on his part. The tools
17 that he's learned through anger management,
18 through substance abuse prevention and through
19 his strong religious faith and for those
20 reasons, Commissioners, we ask you to grant him
21 parole at this time.

22 **PRESIDING COMMISSIONER BRYSON:** Thank you
23 very much, Counselor. All right sir, I'd like
24 to give you this opportunity to address this
25 Panel regarding your suitability for parole.

26 **INMATE PATTERSON:** Yes, one, I have made
27 many steps and taking many programs, including

1 the ones just mentioned by my Counsel, and also
2 numerous programs since ah, since becoming
3 incarcerated, including a previous -- prior --
4 Alternatives to Violence, I've taken literacy
5 life skills help program with -- to doctor --
6 Dr. Torriny ah, I've also taken ah, ah, ah, as
7 we talked about the welding. I completed
8 creative writing, I completed a 12 week
9 addiction recovery program, back in '99,
10 completed a 14 week impact program, victim's
11 awareness, through ah, ah, the prison here.
12 This was also in '99, Entrepreneurial
13 Development, Think and Grow Rich, and I -- I
14 also completed a one year course with the
15 institute of children's literature and writing
16 and publishing, which I just received a diploma
17 for. The -- the Deputy District Attorney stated
18 that I had not -- I was on the list for several
19 programs, I think that that's been clearly ah,
20 contradicted with the fact I've taken numerous
21 anger management courses and every list I've
22 been on -- but he also made a comment that I
23 didn't do any books. And through Dr. Cardswell,
24 I have my chrono, I do read self-help books for
25 therapy and ah, and I -- I feel those are --
26 those are quite important. And they're in the
27 library, they're available to us and ah, I do

1 take advantage also. Mrs. Cardswell has
2 provided those books ah, partly at her expense,
3 for our benefit and they're all red-labeled
4 books in the library, and ah, and for that
5 particular one there, was Manhood 101 and ah,
6 and it was -- it's man's responsibilities in
7 society from the time of becoming a teenager,
8 when manhood starts, so. So, I think that the
9 record should reflect that I have made numerous
10 changes to not be that individual that I was
11 back in February of 1990, and I hope that the
12 Board today will see that, thank you.

13 **PRESIDING COMMISSIONER BRYSON:** All
14 right, thank you. We'll now rec -- just one
15 moment. Okay. In accordance with Penal Code
16 Section 3043b, victim's next of kin have the
17 right to adequately and reasonably express your
18 views concerning the crime and the person
19 responsible. And will you please re-identify
20 yourself for the record.

21 **VICTIM MABRY:** My name is -- my name is
22 Matt Mabry and I'm the victim. About five or
23 six weeks prior to the crime, ah, I had a
24 conversation with Mr. Patterson and it was
25 regarding his anger towards me or the issue that
26 -- that created this whole catastrophe. At that
27 time I -- that's when I learned that Jody was a

1 manic-depressive and taking Lithium and Prozac
2 and on -- these are prescription narcotics, I
3 guess is what they are. To ah, help stabilize
4 his moods, and this conversation was probably
5 about 20 minutes long. And Jody assured me that
6 there were no problems at the end of this
7 conversation, that we were okay. So, over the
8 course of the next five or six weeks, well,
9 during that conversation Jody told me the job
10 was really stressing him out and I asked him,
11 why didn't he quit. He said he couldn't afford
12 to and I told him that we had numerous other
13 jobs going and I could have him transferred to
14 another project if that's what he wanted. And
15 that's what he said he wanted, so I called my
16 direct Supervisor, who handles all that, and a
17 couple of days passed, two, three days, whatever
18 it was ah, when I talked to my boss and then he
19 made some arrangements and then Jody was
20 transferred to another project. Twenty days
21 later is the next time I saw Jody. And that was
22 when he was trying to follow me. The twen --
23 the next day was the day that he shot me.
24 There's a great span here. When I talked to
25 Jody there wasn't a problem. He assured me
26 there was no problem, there was no issues. So,
27 I don't know if he was lying to me at that time,

1 or well -- I'm -- I'm pretty certain that he
2 was. But he allowed this to -- to brew within
3 him and obviously ruined an awful lot of
4 people's lives. Jody admits that he's got an
5 addictive personality and that concerns me.
6 Obviously he has a violent tendency or resorts
7 to violence 'cause that's already been proven.
8 My concern is, what happens the next time he has
9 a bad day. Obviously there's a concern with him
10 coming back after me, but what about somebody
11 else? I mean, he's in a control environment
12 right now, where he seems to be making great
13 progress and it seems that in his childhood,
14 when he was in somewhat of a controlled
15 environment, he did well. But when he got
16 outside of that, when he moved to California to
17 become an adult, he got involved into drugs and
18 everything else and his whole life kinda, went
19 downhill, to some degree. I believe that he
20 still has an obsession with me, it's been
21 probably, four parole hearings ago, when his
22 plans for parole -- he applied for jobs all
23 around the area where I live, which isn't near
24 where he lived. I mean, there's an hour or so
25 difference, but he had all his references --
26 that really concerns me. I don't know if that
27 was a threat, I can't buy it as being a

1 coincidence. I mean, he knows where I live. I
2 knew the man for two years prior to this
3 shooting. I'm really concerned about everything
4 that goes on with him, and I -- I -- I don't
5 believe that he tells us the truth. His
6 attitude doesn't suggest any hostility to me,
7 but when I had a conversation five or six weeks
8 prior to the crime, he said he didn't have
9 anymore hostility to me. He seems to be -- it
10 appears to me that he's telling everybody what
11 he needs to -- what needs to be said in order
12 for him to gain parole. Up until the last
13 hearing, he didn't even recall the crime. He
14 said he'd blacked out, and at the last hearing,
15 he stated that he intended to kill me. So I
16 think that again, he's being coached and told
17 what to do, as far as -- this is what it's gonna
18 take for you to get out of jail. When we --
19 when Jody was transferred to another job, he
20 went to that job and caused some problems there
21 to some degree, was just kinda, maybe
22 argumentative or hostile and he quit that job.
23 And then he got another job on his own and he
24 quit that. So, he had work, but he quit those
25 jobs and at the time of the sentencing, the
26 Judge, or Commissioner at the time, said that he
27 felt that Jody focused in on me as being all the

1 cause for all the problems in his life. And he
2 felt that if he got rid of me, that that would
3 end all of his problems. Well, he has some
4 obsession there and I know he knows right from
5 wrong, but what happens the next time something
6 doesn't go his way? When he's not in a
7 controlled environment, who pays the price then?
8 I don't believe that Jody's fit for parole. I
9 know he's going through the motions, I know he's
10 making progress, but I don't believe that ah,
11 that he's left this obsession with me. If he
12 has, it's been in the last several years and
13 what happens when he gets back out -- if he gets
14 -- crawls back into his addiction? What happens
15 then? Then I have to fear for my life again,
16 and my family's life? According to the State of
17 California, I'm 41 and a half percent
18 permanently disabled, and that's all directly
19 caused by him. I don't have parole. I don't
20 get any rehabilitation, I've gone through
21 numerous surgeries, and I'm permanent,
22 stationary where I'm at. I still work within
23 the same trade, but I can't do what I used to
24 do. I've had to move into more of a Management
25 type role. This -- this has completely affected
26 everybody's life in my family. I'm concerned
27 about my safety, my family's safety and the

1 general public and I don't feel that Jody is
2 telling the truth, and I don't believe that he's
3 fit for parole.

4 PRESIDING COMMISSIONER BRYSON: Thank
5 you, Sir. We'll now recess for deliberations,
6 the time is 11:30.

7 R E C E S S

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1 CALIFORNIA BOARD OF PAROLE HEARINGS

2 D E C I S I O N

3 PRESIDING COMMISSIONER DAVIS: All right,
4 we've reconvened for the decision, in the matter
5 of Jody Patterson. Everyone who was prior in
6 the room has returned to the room, and it's
7 11:45. Sir, the Panel reviewed all information
8 received from you and from the public and relied
9 on the following circumstances in concluding
10 that you're not yet suitable for parole and
11 would pose an unreasonable risk of danger to
12 society or a threat to public safety if released
13 from prison. The offense was carried out in a
14 especially cruel and callous manner. As
15 Patterson's prior job foreman, the victim, Matt
16 Mabry, was indeed particularly vulnerable,
17 driving his pickup truck from the job site,
18 under the scrutiny of the inmate, who was
19 basically laying in wait for him. The offense
20 was carried out in a dispassionate and
21 calculated manner, such as an execution style
22 murder. After failing to take his prescribed
23 Lithium and Prozac for two days, the inmate lay
24 in wait for his former Supervisor, consumed beer
25 and marijuana and shot him with a rifle as he
26 was in his pickup truck. The offense was
27 JODY PATTERSON E-88649 DECISION PAGE 1 8/2/06

1 carried out in a manner demonstrating an
2 exceptionally callous disregard for human
3 suffering, for public safety, that was at risk
4 from the gun fire and you had a clear
5 opportunity to cease but you continued. You had
6 argued with the victim, prior to your -- about
7 your poor workmanship -- prior -- as a dry-
8 waller and painter for Rainbow Industries and
9 had just been laid off. As to the motive
10 itself, it was very trivial in relation to the
11 offense. The victim had him transferred to
12 another jobsite, but the inmate returned and
13 surveilled the site prior to the shooting. Sir,
14 you're to be commended for, number one, being as
15 frank as you have today. That's very important
16 and you have been very frank, we believe, with
17 this Panel. Ah, you do not have a significant
18 prior criminal record, you do of course have
19 poly-substance abuse history, which is a major
20 ah, issue, which you have fully acknowledged
21 here today. As to your institutional behavior,
22 you have done commendable programming. You have
23 -- you're consistently been working with average
24 to above average work reports, you have
25 performed self-study, in terms of education.
26 You have completed vocational certificate in
27 JODY PATTERSON E-88649 DECISION PAGE 2 8/2/06

1 welding, which is a marketable skill ah, as well
2 as your prior job experience skills. And you
3 have continuously ah, participated in AA, NA
4 addiction recovery and Anger Management and
5 Alternative to Violence programs. So, this
6 Panel submits that you have in fact,
7 participated in self-help to the -- to a great
8 degree and more importantly, it appears that
9 you've gotten a great deal out of the self-help
10 programs. You've been able to talk to us about
11 the Steps here today and clearly showing you've
12 internalized that information and that you would
13 have tools ready to apply in the outside world.
14 As to your ah, serious disciplinary violations
15 in prison. You have three 115s and the concern
16 of this Panel is the 2004 refusal to obey 115.
17 You also have three 128a's, the most recent in
18 2001, failure to report. 128a's are not
19 nothing, a long list of 128a's shows that there
20 is -- there are issues going on ah, but you have
21 been free of 128a's, now for five years. And
22 you only had three in your history. So you have
23 a reasonable record, with the exception of that
24 last one 115. As to the psychological report
25 for 2006, basically, you're given a good ah, ah
26 good report, it basically supports your parole
27 JODY PATTERSON E-88649 DECISION PAGE 3 8/2/06

1 and you're given a high global assessment of
2 functioning of 90. Hum, you have presented to
3 this Board viable residential plans, as well as,
4 plans for your transition into a society, in the
5 U-Turn for Christ program, and in the marketable
6 skills you have. And you certainly have
7 extensive, extended family support. As to Penal
8 Code 3042 responses, responses indicate
9 opposition of finding of parole -- to finding of
10 parole suitability specifically by the District
11 Attorney of Orange County. In denying you
12 parole for one year, we're placing you on the
13 2007 calendar for your next subsequent hearing.
14 The Board recommends first of all, no more 115's
15 or 128a's. Continue with your self-help, that's
16 been obviously very successful in -- and your
17 succeeding in that program, so continue that.
18 Ah, we also put earned positive chronos, but
19 you're earning them, just by virtue of your good
20 work. Ah, you also have a trade, upgrade it as
21 you have that opportunity. Continue your good
22 program and your outreach and your parole plans.
23 And Sir, ah, I understand how this can appear to
24 be a set-back for you, but actually ah, one year
25 is not very much time, and if you continue in
26 the direction you're going, you have a very good
27 JODY PATTERSON E-88649 DECISION PAGE 4 8/2/06

1 prospect. You appear to be getting a handle on
2 your issues, ah, and we would like to see more
3 distance ah, between ah, for you, from your last
4 disciplinary because we need to be confident
5 that in fact, you are going to be following the
6 rules outside as well as inside. That becomes
7 simple -- simply the issue. Do you have any
8 further?

9 DEPUTY COMMISSIONER BENTLEY:

10 (indiscernible)

11 PRESIDING COMMISSIONER BRYSON: Thank
12 you, Sir. That concludes this hearing, the time
13 is 11:50.

14 INMATE PATTERSON: Thank you.

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23 PAROLE DENIED ONE YEAR

24 THIS DECISION WILL BE FINAL ON: NOV 30 2006

25 YOU WILL BE PROMPTLY NOTIFIED, IF PRIOR TO THAT
26 DATE, THE DECISION IS MODIFIED.

27 JODY PATTERSON E-88649 DECISION PAGE 5 8/2/06

**CERTIFICATE AND
DECLARATION OF TRANSCRIBER**

I, TAMA BRISBANE, owner of House of Scribes, have designated ODELIA DORIA, a duly designated transcriber with House of Scribes residing in the State of Texas, to prepare the foregoing transcript. With my signature I do hereby declare and certify, under penalty of perjury, that I have directed her to transcribe tape(s) that total one in number and cover a total of 82 pages. The recording was duly recorded at CALIFORNIA DEPARTMENT OF CORRECTIONS, CHUCKAWALLA VALLEY STATE PRISON, and the foregoing pages constitute a true, complete and accurate transcription of the aforementioned tape to the best of her ability.

I hereby certify that House of Scribes and its transcribers are disinterested parties in the above-mentioned matter and have no interest in the outcome of the hearing.

Dated November 26, 2006, at Stockton,
California.

Tama Brisbane
Owner, House of Scribes

BOARD OF PRISON TERMS

STATE OF CALIFORNIA

LIFE PRISONER: PAROLE CONSIDERATION PROPOSED DECISION:

DENY PAROLE

☒ PAROLE DENIED FOR: ① 2 3 4 5 YEARS

Place the prisoner on the 2007 calendar for his next subsequent hearing.

If this decision is final, you WILL NOT get paroled. The Board will send you a copy of the decision. It will indicate the reasons you did not get paroled. If this decision is not final, the Board will set up another hearing. You can read the laws about your hearing. You can find the laws at California Code of Regulations, Title 15, section 2041.

RECOMMENDATIONS

The Board Recommends:

- ☒ No more 115's or 128A's
☐ Work to reduce custody level
☒ Get self-help*
☐ Stay discipline free

- ☐ Learn a trade*
☐ Get therapy*
☒ Earn positive chronos
☐ Get a GED*

☐ Recommend transfer to _____

☒ Other

CONTINUE good programming, outreach,
AND parole plans

* These programs are recommended if they are offered at your prison and you are eligible/able to participate.

HEARING PANEL

Name S. Zy

Date 8/1

Name Carol J. Bentley

Date 12/2006

Name _____

Date _____

NAME	CDC#	PRISON	DATE
PATTERSON, Jody	E 88649	CTF-Siskiyew	8/2/2006